

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5392 OF 2007

Krishna (Crisana) Synthetics P. Ltd. ... Petitioner

V/s

Smt. Vanita Arvind Adate ... Respondent

Mr. V.P. Vaidya for the petitioner.

Ms. Rita K. Joshi for Mr. Ashok Shetty for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 27TH AUGUST, 2007.

P.C.:

1. The petitioner challenges an award of the Labour Court dated 10.10.2005 in Reference (IDA) No. 23 of 1999. The service of the 1st respondent workman had been terminated as she had remained absent in excess of leave granted. Several other charges including reporting late for duty and habitual absenteeism are alleged against her. The Labour Court has found that the findings recorded by the enquiry officer are not perverse and that the respondent was guilty of the misconduct committed by her. However, on the question of punishment the Labour Court has considered the fact

that the punishment of dismissal was not commensurate with the misconduct committed by Respondent No.1. The Labour Court has taken into account certain extenuating circumstances, such as, the 1st respondent was in service for 13 years and that at the age of 36 she would face economic death. The Labour Court has also accepted the fact that the petitioner Company is closed from 2001. On finding that the punishment was shockingly disproportionate, the Labour Court has exercised its jurisdiction under Section 11-A of the Industrial Disputes Act and held that instead of reinstatement and payment of back wages and continuity of service, the respondent workman is entitled to Rs.1,00,000/- as compensation.

2. In my view, there is no need to interfere with the findings recorded by the Labour Court. No error of law apparent on the face of the record has been committed which requires interference in the writ jurisdiction of this Court under Article 227 of the Constitution.

3. Petition rejected.

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